

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOHN THOMAS PAVELCHAK,
Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING
GOVERNMENT'S MOTION TO
REDUCE TERM OF SUPERVISED
RELEASE

Case No. 2:05-CR-96 TS

This matter is before the Court on the Government's Motion to Reduce Term of Supervised Release because Defendant has successfully completed and graduated from the RISE drug reentry program.

BACKGROUND

On August 29, 2006, Defendant pleaded guilty to one count of Drug User in Possession of a Firearm. On November 14, 2006, Defendant was sentenced to 12 months and one day custody followed by 36 months supervised release and was ordered to pay a \$100 special assessment fee. Judgment was entered on November 15, 2006.

Defendant was released from the custody of the Bureau of Prisons on July 17, 2007, and began his 36-month term of supervised release on the same day. On July 7, 2008, Defendant admitted violating the terms of his supervised release and his supervised release was revoked. He was sentenced to 2 and one-half months in BOP custody and a term of 31 months of supervised release with 80 days to be in home confinement.¹ On July 7, 2008, he was referred to this district's RISE program.

On August 8, 2009, Defendant successfully completed the RISE program.

DISCUSSION

The Court may modify or reduce a term of supervision under 18 U.S.C. § 3583(e)(2) and Fed.R.Crim.P. 32.1. In making this determination, the Court must consider many of the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.²

The Court has considered these factors, has reviewed the docket and case file, has consulted with Defendant's supervising probation officer and has reviewed his supervision history and his many progress reports. The Court finds as follows: Defendant has been fully compliant with all the terms of his supervised release and the directives of the probation office. He has maintained employment or a full-time education program, completed substance-abuse treatment, has undergone periodic testing, and has had no violations. In addition, he has satisfied the financial obligations imposed by the Sentence. Further, he has successfully completed the RISE program.

¹Docket No. 94, Amended Judgment.

²*Id.* (directing that the court consider factors set forth in § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)).

Based on these findings and on consideration of the applicable § 3553(a) factors, the Court finds that modification to reduce Defendant's term of supervised release by one year is both warranted by the conduct of the offender and is in the interest of justice.

CONCLUSION

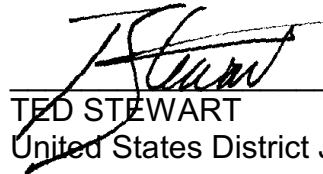
Based upon the above, it is hereby

ORDERED that Government's Motion to Reduce Term of Supervised Release (Docket No. 151) by one year is GRANTED.

SO ORDERED.

DATED this 8th day of September.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge